

AMENDED

No 38366

## APPLICATION FOR PERMIT

## TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF NEVADA

Date of filing in State Engineer's Office June 19, 1979  
 Returned to applicant for correction November 2, 1979  
 Correction application filed December 10, 1979  
 Map filed December 10, 1979 under 38366

The applicant W. H. Gibbs Co. c/o Boyack Surveying, Inc.  
515 South Fifth Street, of Elko  
Street and No. or P.O. Box No. City or Town  
Nevada 89801, hereby make application for permission to appropriate the public  
State and Zip Code No.  
 waters of the State of Nevada, as hereinafter stated. (If applicant is a corporation, give date and place of incorporation; if a copartnership or association, give names of members.) Incorporated in Elko,  
Nevada on August 18, 1960

1. The source of the proposed appropriation is underground (Horizontal Well No. 4)  
Name of stream, lake, spring, underground or other source

2. The amount of water applied for is 0.05 cfs second-feet  
One second-foot equals 448.83 gals. per min.

(a) If stored in reservoir give number of acre-feet

3. The water to be used for Stockwater  
Irrigation, power, mining, manufacturing, domestic, or other use. Must limit to one use.

4. If use is for:

(a) Irrigation, state number of acres to be irrigated:

(b) Stockwater, state number and kinds of animals to be watered: 500 - 1000 cattle

(c) Other use (describe fully under "No. 12. Remarks")

(d) Power:

(1) Horsepower developed

(2) Point of return of water to stream

5. The water is to be diverted from its source at the following point: Lot 3, Section 36, T43N,  
Describe as being within a 40-acre subdivision of public  
R60E, MDB&M, at a point from which the S1/4 corner of said section  
survey, and by course and distance to a section corner. If on unsurveyed land, it should be so stated.  
36 bears S 48° 29' 24" E 258.13 feet.

6. Place of use Lot 3 Section 36, T43N, R60E, MDB&M; N1/2NW1/4, SW1/4NW1/4  
Describe by legal subdivision. If on unsurveyed land, it should be so stated.  
Section 1, Lot 1, S1/2N1/2 Section 2, S1/2N1/2 Section 3, NE1/4SE1/4,  
S1/2SE1/4, SE1/4SW1/4 Section 4, W1/2NE1/4, E1/2NW1/4, NE1/4SW1/4  
Section 9 all in T42N, R60E, MDB&M.

7. Use will be begin about January 1 and end about December 31, of each year.  
Month and Day Month and Day

8. Description of proposed works: (Under the provisions of NRS 535.010 you may be required to submit plans and specifications of your diversion or storage works.) Horizontal well above spring, pipe-  
State manner in which water is to be diverted, i.e. diversion structure, ditches and  
line and troughs.  
flumes, drilled well with pump and motor, etc.

9. Estimated cost of works \$5,000

10. Estimated time required to construct works..... 3 years  
If well completed, describe works.
11. Estimated time required to complete the application of water to beneficial use..... 5 years
12. Remarks: For use other than irrigation or stock watering, state number and type of units to be served or annual consumptive use.  
These waters are to be co-mingled with the water from accompanying  
application for Horizontal Well No. 3 (application No. 38370)
- By s/Alan S. Boyack  
Alan S. Boyack  
515 South Fifth Street  
Elko, Nevada 89801
- Compared..... bp/se..... bp/se
- Protested.....

APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This permit is issued subject to all existing rights on the source. It is understood that the amount of water herein granted is only a temporary allowance and that the final water right obtained under this permit will be dependent upon the period of use and the average number of livestock served from the waters of this source. The State retains the right to regulate the use of the water herein granted at any and all times but does not take responsibility for the use of the Federal range.

This Permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.

This permit is subject to the condition that the permittee must ensure that wildlife which have customarily used such water will have access thereto, NRS 533.367.

The issuance of this permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed..... 0.031..... cubic feet per second, or sufficient to water  
 ..... 1000 head of cattle.

Work must be prosecuted with reasonable diligence and be completed on or before..... December 3, 1989

Proof of completion of work shall be filed before..... January 3, 1990

Application of water to beneficial use shall be filed on or before..... December 3, 1991

Proof of the application of water to beneficial use shall be filed on or before..... January 3, 1992

Map in support of proof of beneficial use shall be filed on or before..... N/A

Completion of work filed..... JAN 11 1991 IN TESTIMONY WHEREOF, I..... PETER G. MORROS

Proof of beneficial use filed..... FEB 03 1992 State Engineer of Nevada, have hereunto set my hand and the seal of

my office, this..... 18th day of..... January

Cultural map filed.....

Certificate No. 13330 Issued APR 30 1992

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TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF NEVADA

JUN 19 1979

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NOV 2 1979

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DEC 10 1979

Corrected application filed.....

Map filed..... DEC 10 1979 under 38366

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State and Zip Code No.waters of the State of Nevada, as hereinafter stated. (If applicant is a corporation, give date and place of incorpora-  
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Nevada on August 18, 19601. The source of the proposed appropriation is Underground (Horizontal Well No. 4)  
Name of stream, lake or other source.2. The amount of water applied for is 0.05 cfs second-feet  
One second-foot equals 448.83 gals. per min.

(a) If stored in reservoir give number of acre-feet..... acre-feet

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Irrigation, power, mining, manufacturing, domestic, or other use.

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(a) Irrigation (state number of acres to be irrigated).....

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R60E, MDB&M, at a point from which the S $\frac{1}{4}$  corner of said section 36  
Describe as being within a 40-acre subdivision of public survey, and by course and distance to a section corner. If on unsurveyed land,  
bears S 48° 29' 24" E 258.13 feet.  
it should be stated.6. Place of use Lot 3 Section 36, T43N, R60E, MDB&M; N $\frac{1}{2}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ NW $\frac{1}{4}$  Section  
Describe by legal subdivision, if on unsurveyed land it should be so stated.  
1, Lot 1, S $\frac{1}{2}$ N $\frac{1}{2}$ , S $\frac{1}{2}$ N $\frac{1}{2}$ , NW $\frac{1}{4}$ SW $\frac{1}{4}$  Section 3, NE $\frac{1}{4}$ SE $\frac{1}{4}$ , S $\frac{1}{2}$ SE $\frac{1}{4}$ , SE $\frac{1}{4}$ SW $\frac{1}{4}$  Section  
4, W $\frac{1}{2}$ NE $\frac{1}{4}$ , E $\frac{1}{2}$ NW $\frac{1}{4}$ , NE $\frac{1}{4}$ SW $\frac{1}{4}$  Section 9 all in T42N, R60E, MDB&M.7. Use will begin about January 1 and end about December 31, of each year.  
Day and Month Day and Month8. Description of proposed works. (Under the provisions of NRS 535.010 you may be required to submit plans and  
specifications of your diversion or storage works.) Horizontal well above spring, pipe-  
line and troughs.

State manner in which water is to be diverted, whether by dam or other works, whether through pipes, ditches, flumes, or other conduits.

9. Estimated cost of works.....\$5,000.....
10. Estimated time required to construct works.....3 years.....
11. Estimated time required to complete the application to beneficial use.....5 years.....
12. Remarks: For use other than irrigation or stock watering, state number and type of units to be served or annual consumptive use.

These waters are to be co-mingled with the water from accompanying application for Horizontal Well No. 3 (application No. 38370)

Applicant W.H. Gibbs Co.

By/ Alan S. Boyack  
Alan S. Boyack  
515 South Fifth Street  
Elko, Nevada 89801

Compared 1p/ga pm/se  
Pro. 5/9/80 by B.L.M.  
Pro. wdr. 05/08/87

APPROVAL OF STATE ENGINEER

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This permit is subject to the condition that the permittee must ensure that wildlife which have customarily used such water will have access thereto, NRS 533.367.

The issuance of this permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed 0.031 cubic feet per second, or sufficient to water 1000 head of cattle.

Actual construction work shall begin on or before.....

Proof of commencement of work shall be filed before.....

Work must be prosecuted with reasonable diligence and be completed on or before December 3, 1989

Proof of completion of work shall be filed before January 3, 1990

Application of water to beneficial use shall be made on or before December 3, 1991

Proof of the application of water to beneficial use shall be filed on or before January 3, 1992

Map in support of proof of beneficial use shall be filed on or before N/A

Commencement of work filed..... IN TESTIMONY WHEREOF, I PETER G. MORROS  
Completion of work filed..... State Engineer of Nevada, have hereunto set my hand and the seal of  
Proof of beneficial use filed..... my office, this 3rd day of December  
Cultural map filed.....  
Certificate No..... Issued..... A.D. 19 87  
Recorded..... Bk..... Page.....  
County Recorder State Engineer